

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	: 10/591,419	Confirmation No.:	1422
Applicant	: Claus FROHBURG, <i>et al.</i>		
I.A. Filed	: March 4, 2005		
Title	: METHODS FOR IDENTIFYING PROTEINS WITH STARCH PHOSPHORYLATING ENZYMATIC ACTIVITY		
TC/Art Unit	: 1638		
Examiner:	: <i>Unassigned</i>		
Docket No.	: 65084.000020		
Customer No.	: 21967		

MAIL STOP 16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.27

Sir:

Applicants hereby petition the Director to expunge a transaction entry that occurred during the processing of the above-identified patent application.

On May 9, 2008, the U.S. Patent and Trademark Office ("USPTO") entered a Transaction Description of "Small Entity Statement (37 CFR 1.27)" in the Transaction History of the above-identified patent application. *See* Transaction History, attached herewith as **Exhibit A**; *see also* Notice of Acceptance (listing a "Small Entity Statement" as filed on May 9, 2008), attached herewith as **Exhibit B**.

Applicants, however, did not file a Small Entity Statement under 37 C.F.R. § 1.27. Rather, Applicants filed an Application Data Sheet affirmatively stating that they are not claiming small entity status. *See* Application Data Sheet filed September 1, 2007, attached herewith as **Exhibit C**; *see also* Transmittal Letter of September 1, 2006 (authorizing payment of large entity fees), attached herewith as **Exhibit D**.

Accordingly, because Applicants did not file a Small Entity Statement with the USPTO on May 9, 2008, Applicants respectfully request that the entry of "Small Entity Statement (37 C.F.R § 1.27)" be expunged from the Transaction History. Applicants also request that a Notice of Acceptance of Application under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 be issued which does not list a Small Entity Statement as being filed.

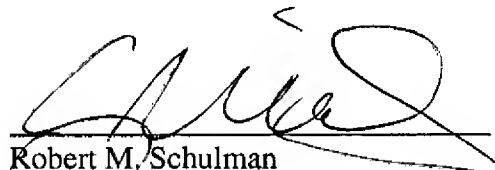
Applicants file this petition under 37 C.F.R. § 1.27 pursuant to instructions from the Office of Petitions received during a teleconference on July 18, 2008. Applicants were informed that no fees would be required for this petition.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: September 2, 2008

By:



Robert M. Schulman
Registration No. 31,196

Christopher J. Nichols, Ph.D.
Registration No. 55,984

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W. Suite 1200
Washington, DC 20006
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

EXHIBIT A

Transaction History of U.S. Patent Application No. 10/591,419

10/591,419	Methods For Identifying Proteins With Starch Phosphorylating Enzymatic Activity	08-07-2008::12:29:17
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Transaction History

Date	Transaction Description
07-28-2008	Filing Receipt - Corrected
11-09-2006	Information Disclosure Statement (IDS) Filed
09-01-2006	Information Disclosure Statement (IDS) Filed
06-25-2008	Application Dispatched from OIPE
05-09-2008	371 Completion Date
06-20-2008	Sent to Classification Contractor
06-20-2008	Filing Receipt
06-20-2008	Notice of DO/EO Acceptance Mailed
05-09-2008	Additional Application Filing Fees
05-09-2008	Small Entity Statement (37 CFR 1.27)
05-09-2008	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
02-22-2008	Notice of DO/EO Missing Requirements Mailed
11-13-2007	Information Disclosure Statement (IDS) Filed
09-22-2006	Cleared by OIPE CSR
09-15-2006	CRF Is Good Technically / Entered into Database
09-01-2006	CRF Disk Has Been Received by Preexam / Group / PCT
09-01-2006	Initial Exam Team nn

[Close Window](#)

EXHIBIT B

Notice of Acceptance of Application under 35 U.S.C. § 371 and 37 C.F.R. § 1.495
for U.S. Patent Application No. 10/591,419 mailed June 20, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/591,419	FIRST NAMED APPLICANT Claus Frohberg	ATTY. DOCKET NO. 65084.000020
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21967
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

RECEIVED

JUN 23 2008

HUNTON & WILLIAMS

INTERNATIONAL APPLICATION NO. PCT/EP05/02454	
I.A. FILING DATE 03/04/2005	PRIORITY DATE 03/05/2004

CONFIRMATION NO. 1422
371 ACCEPTANCE LETTER



0000000030552023

Date Mailed: 06/20/2008

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

05/09/2008
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1),
(c)(2) and (c)(4) REQUIREMENTS

05/09/2008
DATE OF COMPLETION OF ALL
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the International filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/01/2006
- Copy of the International Search Report filed on 09/01/2006
- Copy of IPE Report filed on 09/01/2006
- Preliminary Amendments filed on 09/01/2006
- Information Disclosure Statements filed on 09/01/2006
- Biochemical Sequence Diskette filed on 09/01/2006
- Oath or Declaration filed on 05/09/2008
- Biochemical Sequence Listing filed on 09/01/2006
- Small Entity Statement filed on 05/09/2008
- Request for Immediate Examination filed on 09/01/2006
- U.S. Basic National Fees filed on 09/01/2006
- Assignment filed on 09/01/2006
- Priority Documents filed on 09/01/2006
- Power of Attorney filed on 05/09/2008
- Specification filed on 09/01/2006
- Claims filed on 09/01/2006

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- Abstracts filed on 09/01/2006
- Drawings filed on 09/01/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

EXHIBIT C

Application Data Sheet filed September 1, 2007

10/591419

APPLICATION DATA SHEET **IAP5 Rec'd PCT/PTO 01 SEP 2006**

Application Information

Application Number:: *Unassigned*
Filing Date:: September 1, 2006
Application Type:: Regular (371 National Stage filing)
Subject Matter:: Utility
Title Line One:: METHODS FOR IDENTIFYING PROTEINS
Title Line Two:: WITH STARCH PHOSPHORYLATING
Title Line Three:: ENZYMATIC ACTIVITY
Attorney Docket Number:: 65084.000020
Request for Early Publication?: No
Request for Non-Publication?: No
Small Entity?: No
Petition Included?: No

Applicant Information

Applicant One Authority Type:: Inventor
Primary Citizenship:: Germany
Status:: Full Capacity
Given Name:: Claus
Family Name:: FROHBURG
City of Residence:: Kleinmachnow
Country of Residence:: Germany
Street of Mailing Address Line One:: Pilzwald 17
City of Mailing Address:: Kleinmachnow
Country of Mailing Address:: Germany
Postal or Zip Code:: 14532

Applicant Information

Applicant Two Authority Type:: Inventor
Primary Citizenship Germany
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Given Name:: Oliver
Family Name:: KOETTING
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Country of Residence:: Switzerland
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City of Mailing Address:: Zürich
Country of Mailing Address:: Switzerland
Postal or Zip Code:: 8003

Applicant Information

Applicant Three Authority Type:: Inventor
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City of Residence:: Potsdam
Country of Residence:: Germany
Street of Mailing Address Line One:: Feuerbachstr. 12
City of Mailing Address:: Potsdam
Country of Mailing Address:: Germany
Postal or Zip Code:: 14471

Applicant Information

Applicant Four Authority Type:: Inventor
Primary Citizenship Germany
Status:: Full Capacity
Given Name:: Martin
Family Name:: STEUP
City of Residence:: Berlin
Country of Residence:: Germany
Street of Mailing Address Line One:: Am Schlachtensee 116
City of Mailing Address:: Berlin
Country of Mailing Address:: Germany
Postal or Zip Code:: 14129

Correspondence Information

Correspondence Customer No.: 21967
Name:: Hunton & Williams LLP
Street of Mailing Address Line One:: 1900 K St., N.W.
Street of Mailing Address Line Two:: Suite 1200
City of Mailing Address:: Washington
State or Province of Mailing Address:: DC
Country of Mailing Address:: US
Postal or Zip Code:: 20006-1109
Telephone Number:: (202) 955-1500
Facsimile Number:: (202) 778-2201
E-Mail Address:: rschulman@hunton.com

Representative Information

Representative Customer Number:: 21967

Domestic Priority Information

Application::	Continuity Type::	Filing Date::	Status
PCT/EP2005/002454	National Stage	March 4, 2005	Pending
60/549,980	Provisional	March 5, 2004	Expired

Foreign Priority Information

Country:	Application Number::	Filing Date::	Priority Claimed::
EP	040 90 087.0	March 5, 2004	YES
EP	040 90 121.7	March 29, 2004	YES
EP	040 90 483.1	December 9, 2004	YES

Assignee Information

Assignee Name:: Bayer CropScience GmbH
Street of Mailing Address Line One:: Hermannswerder 20a
City of Mailing Address:: Potsdam
Country of Mailing Address:: Germany
Postal or Zip Code:: D-14473

EXHIBIT D

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)
concerning a Submission under 35 U.S.C. § 371 of September 1, 2006

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 65084.000020
U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/591419		
INTERNATIONAL APPLICATION NO. PCT/EP2005/002454	INTERNATIONAL FILING DATE March 4, 2005	PRIORITY DATE CLAIMED March 5, 2004
TITLE OF INVENTION METHODS FOR IDENTIFYING PROTEINS WITH STARCH PHOSPHORYLATING ENZYMATIC ACTIVITY		
APPLICANT(S) FOR DO/EO/US Claus FROHBERG Oliver KOETTING Gerhard RITTE Martin STEUP		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.		
3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input checked="" type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> A copy of the oath or declaration of the inventor(s) as filed in the PCT Request (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input checked="" type="checkbox"/> An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A Preliminary Amendment.		
14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		
20. <input type="checkbox"/> Other items or information:		

IP5 Rec'd PCT/PTO 01 SEP 2006

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/591419		PCT/EP2005/002454		65084.000020	
The following fees have been submitted:				CALCULATIONS	PTO USE
21.	<input checked="" type="checkbox"/> Basic National Fee (37 CFR 1.492(a))	\$ 300.00	\$	300.00	
22.	<input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c))		\$	200.00	
If the written opinion prepared by ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		\$ 0.00			
All other situations		\$ 200.00			
23.	<input checked="" type="checkbox"/> Search Fee (37 CFR 1.492(b))		\$	400.00	
If the written opinion of the ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)		\$ 0.00			
Search Fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$ 100.00			
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB		\$ 400.00			
All other situations		\$ 500.00			
TOTAL OF ABOVE CALCULATIONS =			\$	900.00	
<input checked="" type="checkbox"/>	Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)).				
The fee is \$250.00 for each additional 50 sheets of paper or fraction					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
113 - 100	13 /50	1	x \$250.00	\$	250.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h))			\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	32 - 20 =	12	x \$ 50.00	\$	600.00
Independent claims	2 - 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =			\$	1,750.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees above are reduced by 1/2.			\$		
SUBTOTAL =			\$	1,750.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$		
TOTAL NATIONAL FEE =			\$	1,750.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$	40.00	
TOTAL FEES ENCLOSED =			\$	1,790.00	
			Amount to be refunded:	\$	
			Amount to be charged:	\$	

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7)		INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
110/591419		PCT/EP2005/002454	65084.000020

a. ☒ A check in the amount of \$1,790.00 to cover the above fees is enclosed.

b. ☐ Please charge Deposit Account No. 50-0206 in the amount of \$_____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

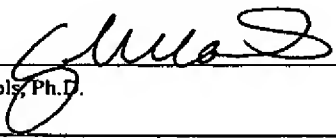
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit to Deposit Account No. 50-0206 A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

CUSTOMER NO. 21967
Intellectual Property Department
Hunton & Williams LLP
1900 K Street, N.W.; Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)

SIGNATURE	
	
NAME	
Christopher J. Nichols, Ph.D.	
REGISTRATION NUMBER	DATE
55,984	9/1/06